



John T. Auberger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

JULY 6, 2010

General Information:

Work Session: 6:30 pm.

Meeting: 7:00 pm.

Roll Call:

Albert F. Meilutis, Chairman

Michelle Betters

Diana Christodaro

Randy T. Jensen

William F. Murphy

Christopher A. Schiano, Deputy Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Secretary to the Zoning Board

Absent:

John J. Riley

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

OLD BUSINESS:

- 1. Applicant:** 2390 West Ridge Road, LLC
Location: 2390 West Ridge Road
Mon. Co. Tax No.: 074.14-2-22.2
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for 54 parking spaces instead of the 59 minimum spaces required. Sec. 211-45 Q
 - b) An area variance for a proposed building addition to have a (southwest) corner setback of 16.0 ft., (measured from the right-of-way line of Grecian Gardens Drive), instead of the 25.0 ft. minimum required. Sec. 211-17 B (4), Table III
 - c) An area variance for a portion of a proposed parking area along the southern side of the parcel (approximately 99.0 lin. ft.), to be located a distance of 10.0 ft. from the right-of-way of West Ridge Road, instead of the 20.0 ft. minimum required. Sec. 211-17 B (4), Table III
 - d) An area variance for a portion of a proposed parking area along the northern side of the parcel (approximately 191.0 lin. ft.), to be located 2.0 ft. from a residential district, instead of the 20.0 minimum required. Sec. 211-17 B (4), Table III
 - e) An area variance for a portion of a proposed parking area along the east side of the parcel (approximately 20.0 lin. ft.) to be located 5.0 ft. from a residential district, instead of the 20.0 minimum required. Sec. 211-17 B (4), Table III
 - f) An area variance for lot coverage of 24% instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III

On a motion by Mr. Meilutis and seconded by Ms. Christodaro, it was resolved to continue the public hearing on this application until the meeting of July 20, 2010, in order to get the Planning Board's thoughts and recommendations on this project.

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Continued
Until Meeting of
July 20, 2010**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 2. Applicant:** 2390 West Ridge Road, LLC
- Location:** 2390 West Ridge Road
- Mon. Co. Tax No.:** 074.14-2-22.2
- Zoning District:** BR (Restricted Business)
- Request:**
- a) A Special Permit for location of a proposed advertising sign for Grecian Gardens Apartments. Sec. 211-52 A (3) (a)
 - b) An area variance for a proposed advertising sign to have a front setback of 8.7 ft. (measured from the north right-of-way line of West Ridge Road), instead of the 15.0 ft. minimum required. Sec. 211-52 A (3)(b) & Sec. 211-52 B (1) (b)[1]
 - c) An area variance for a proposed advertising sign to have a side setback of 3.4 ft. (measured from the east right-of-way line of Grecian Gardens Drive), instead of the 15.0 ft. minimum required. Sec. 211-52 B (1) (b)[1]
 - d) An area variance for a proposed advertising sign to have a sign area of 45.0 sq. ft., instead of the 20.0 sq. ft. permitted. Sec. 211-52 A (3) (c)
 - e) An area variance for a proposed advertising sign to be located closer than 15.0 ft. to a right-of-way, and to have the lowest side of said sign at 1.0 ft. above the nearest street grade, instead of the 7.0 ft. minimum required. Sec. 211-52 B (1) (c)
 - f) An area variance for a proposed advertising sign to have an overall height of 5.0 ft., instead of the 3.0 ft. maximum permitted. Sec. 211-52 A (3)(d)
 - g) An area variance for a proposed freestanding sign to have a sign area of 325.0 sq. ft., instead of the one freestanding sign of 40.0 sq. ft. permitted. Sec. 211-52 B (1) (d), Table VI
 - h) An area variance for a proposed freestanding sign to have front setback of 1.0 ft. (measured from the north right-of-way line of West Ridge Road), instead of the 15.0 ft. minimum required. Sec. 211-52 B (b) [1]
 - i) An area variance for a proposed freestanding sign to be located closer than 15.0 ft. to a right-of-way, to have the lowest side of said sign at 4.0 ft. above the nearest street grade, instead of the 7.0 ft. minimum required. Sec. 211-52 B (c)

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

On a motion by Mr. Meilutis and seconded by Ms. Christodaro, it was resolved to continue the public hearing on this application until the meeting of July 20, 2010, in order to get the Planning Board's thoughts and recommendations on this project.

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Continued
Until Meeting of
July 20, 2010**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

NEW BUSINESS:

- 1. Applicant:** Howard & Laurraine Amo
Location: 3310 Edgemere Drive
Mon. Co. Tax No.: 026.31-1-6
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for proposed lot coverage of 27%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3310 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Howard & Laurraine Amo, 3310 Edgemere Drive, Mr. Amo and his wife appeared before the Board of Zoning Appeals this evening requesting an area variance for proposed lot coverage of 27%, instead of the 25% maximum permitted.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

WHEREAS, Mr. Amo stated that they have lived there a long time and the purpose of the 2% increase for the lot coverage is due to a three-season room that was built without the knowledge of them going over the lot coverage. The three-season room does have electricity, but no heat in it. The applicants have already signed a Hold Harmless agreement and all the inspections have been completed on the three-season room. They stated that it would be a great expense for them to reduce the size of the three-season room to come into compliance with the lot coverage.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood – and looking at the maps, it appears that there are several properties in the area that have similar type lot coverages or similar type buildings on their lots – nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, I feel, is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Abstain
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Absent

Motion Carried
Application Approved

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 2. Applicant:** Basset Homes Inc.
Location: 1836 Manitou Road
Mon. Co. Tax No.: 073.03-1-20.1
Zoning District: R1-18 (Single-Family Residential)
Request: a) An area variance for all existing and proposed accessory structures (including attached garage) totaling 2972 sq. ft., where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area. Sec. 211-11 E (1), Table I
b) An area variance for total gross floor area of proposed accessory structures and existing attached garages on the premises (2972 sq. ft.) exceeding the total area of the principal structure (2380 sq. ft.) on the premises. Sec. 211-11 E (1), Table I

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1836 Manitou Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Basset Homes Inc., 1836 Manitou Road, Mr. Patrick Basset appeared before the Board of Zoning Appeals this evening representing Basset Homes, Inc. requesting an area variance for all existing and proposed accessory structures (including attached garage) totaling 2972 sq. ft., where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area; and an area variance for total gross floor area of proposed accessory structures and existing attached garages on the premises (2972 sq. ft.) exceeding the total area of the principal structure (2380 sq. ft.) on the premises.

WHEREAS, the applicant indicated that he owns the property and is in the process of renovating the existing house that's on there and that there are a couple of buildings and an old built-in swimming pool behind the house that he would like to eliminate. The applicant testified that he would be removing the pool and the existing structures that are currently behind the home on the property and instead placing a new structure on the property. The applicant requested a total new building of approximately 2500 plus or minus square feet. The applicant testified that as part of his regular business he has key employees that he has rented this home to before, and he is tentatively planning on renting it out to another key employee within his organization. If that did not work out, he would in fact lease the house out for others to rent. The condition of the buildings that are currently behind the shed, along with the built-in swimming pool, are in various stages of disrepair. By removing all these structures from the premises and putting one new building in, he feels that he can improve the overall look to the property. The applicant testified that he would be using the building to general storage of things like a garden tractor, ATV, perhaps a vehicle, but it would not be used for commercial- or industrial-type uses or storage of materials for commercial- or industrial-type uses. The applicant further went on to say that there would be no water going to the building, there would be electricity going to the back building, and he was unsure as to whether heat would be installed into the building or not. The applicant testified that he would be putting one overhead garage door in it that would be slightly larger than normal, approximately 8 feet 8 inches. The purpose for the higher garage door is so that he could get his pickup truck in with his light bar on top of it and get inside the garage if he needs to pick something up or drop something off from that location. The applicant further testified that he would be putting on an exterior finish that would complement the plans for the remodel of the house in the front and, again, that there would be no commercial use of this particular property. The applicant testified that he does have properties all over Ridge Road and other areas of the Town that he has for adequate storage.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move for the approval this application with the following stipulations:

1. That the existing structures outside of the home itself be removed from the property, as testified by the applicant.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

2. The pool be removed, as testified by the applicant that he would.
3. That a new structure be constructed of not greater than 1800 sq. ft.
4. That there be no water installed into the building.
5. That the applicant recognizes that there could be no more than four licensed vehicles on the property.
6. And on the question of the heat, it is the intent to have this as a no-heated structure at this point so that it is strictly for storage.
7. That the applicant puts an exterior on that will complement the existing residential neighborhood.
8. And that the landscaping around the building be cleaned up. Right now, it is overgrown and there are just weeds and things around the back. Just clean it up so it blends in with the residential neighborhood.
9. Item "B" is eliminated from the request.
10. As indicated by the staff, the structure will meet code and not exceed 17 feet in height and it's only a one-story structure.
11. This cannot be leased out for purposes beyond what the home lease is for. Those people can store in it, but you can't put it up and store things from outside people, like run an ad for, say, boat storage. It is not the intent to have that type of commercial use on the property.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Approved
With Stipulations**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 3. Applicant:** Robert J. Hanrahan
Location: 10 Juliet Crescent
Mon. Co. Tax No.: 045.12-2-48
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 135.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction. Sec 211-46L

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 10 Juliet Crescent, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Robert J. Hanrahan, 10 Juliet Crescent, Mr. Hanrahan, his wife, Jennifer, and their son appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 135.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

WHEREAS, the applicant testified before us this evening that they have lived there for five years and the reason for the fence is for privacy reasons and for the safety of their young family. Their lot is quite unique to this neighborhood – it is a private drive, they are on a corner lot, the lot is pie-shaped – which makes the variance needed due to the fact of the fence. The fence will be contracted out with a contractor, who will be doing all the work. The applicant was advised of putting the fence on the eastern portion of the lot on the west side of a catch basin. Town Engineering has documents available for the applicant to review and they will put the fence on the west side of the catch basin.

WHEREAS, Mr. Chairman, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. This approval is for the life of the fence.
2. And also, as per easement release conditions from the Town of Greece Engineering Department.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 4. Applicant:** Paul Christopher
Location: 42 Dalston Road
Mon. Co. Tax No.: 075.25-6-13
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for a proposed 18.0 ft. round, aboveground pool to have a (west) side setback of 4.0 ft. instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - b) An area variance for a proposed 18.0 ft. round, aboveground pool to be located 5.0 ft. from a principal structure and 4.0 ft. from an accessory structure, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)
 - c) An area variance for a proposed deck (approximately 200 sq. ft.) to have a (west) side setback of 4.0 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - d) An area variance for proposed lot coverage of 30.9%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 42 Dalston Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Paul Christopher, 42 Dalston Road, Mr. Christopher appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 18.0 ft. round, aboveground pool to have a (west) side setback of 4.0 ft. instead of the 6.0 ft. minimum required; an area variance for a proposed 18.0 ft. round, aboveground pool to be located 5.0 ft. from a principal structure and 4.0 ft. from an accessory structure, instead of the 10.0 ft. minimum required; an area variance for a proposed deck (approximately 200 sq. ft.) to have a (west) side setback of 4.0 ft., instead of the 6.0 ft. minimum required; and an area variance for proposed lot coverage of 30.9%, instead of the 25% maximum permitted.

WHEREAS, during the conversation in the applicant's testimony, we have looked at variance "C" and "D" and we have reduced the deck size approximately 125 sq. ft. and it would be to the west by the driveway and we have reduced the proposed lot coverage to 29.5% instead of the 30.9% proposed. Mr. Christopher stated that he has lived in the residence for two years, and I asked him if he could get a smaller pool and he stated that this is the smallest they come without special order. He stated that it would be almost impossible to move the pool to any other location because he would like to keep an eye on it even though he is going to have an alarm for it. The pool will be approximately four feet in depth and the height of the pool will be approximately five feet. It will be connected to the proposed deck and the deck will be connected to the home. He is going to have a contractor construct the deck. He has spoken to neighbors, and there is no opposition from the neighbors. The applicant is willing to sign a Hold Harmless Agreement with the Town and he did state when asked if he could lower the lot coverage, and he did agree to the 29.5%.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to nearby properties, should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The lots in this part of town are very narrow and the homes are very close together and it is tough to accommodate garages and pools. The requested area variance, I feel, is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty, however was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the applicant sign a Hold Harmless Agreement with the Town of Greece.
2. That changes were made to variances "C" and "D." We have reduced the deck size approximately 125 sq. ft. and it would be to the west by the driveway and we have reduced the proposed lot coverage to 29.5% instead of the 30.9% proposed.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 5. Applicant:** Kevin P. Haude
Location: 68 Jade Creek Drive
Mon. Co. Tax No.: 044.02-3-9
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for all existing and proposed accessory structures (including attached garage) totaling 1052 sq. ft., where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area. Sec. 211-11 E (1), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 68 Jade Creek Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Kevin P. Haude, 68 Jade Creek Drive, Mr. Haude appeared before the Board of Zoning Appeals this evening requesting an area variance for all existing and proposed accessory structures (including attached garage)

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

totaling 1052 sq. ft., where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area.

WHEREAS, Mr. Haude stated that he has lived at the residence 6 ½ years and the purpose of enlarging the floor area by 52 sq. ft. is he is going to add a storage shed for his kayaks; he has a motorcycle, a garden tractor and some generators. He stated that he is going to construct the shed himself and that the shed will not have electricity, water, or heat placed in the shed. He stated that his neighbors at this time have not shown any opposition and the shed will match the existing home.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, I feel, is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried
Application Approved

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 6. Applicant:** Robert T. Jacobsen
Location: 51 Long Pond Road
Mon. Co. Tax No.: 034.02-1-42.11
Zoning District: R1-44 (Single-Family Residential)
Request: An area variance for a proposed deck (14.0 ft. x 20.0 ft.; 280.0 sq. ft.) to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only. Sec. 211-11 E (3)

Ms. Betters offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 51 Long Pond Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Ms. Betters then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Robert T. Jacobsen, 51 Long Pond Road, Mr. Jacobsen appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed deck (14.0 ft. x 20.0 ft.; 280.0 sq. ft.) to be located in a front yard, where accessory structures, including decks, are permitted in rear yards only.

WHEREAS, Mr. Jacobsen stated that he lived approximately four years at the property and he is going to build the deck using pressure-treated wood with a height of 27

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

inches; it will not be enclosed or covered. After considering the five points when determining an area variance, it is my opinion that granting the above-mentioned variance will not be out of character with existing homes in the neighborhood – also mentioning that nine closest residents also have decks facing the water – or be a detriment to nearby properties. It should be noted that no neighbors were here to show their opposition to the project. The benefit sought by the applicant cannot be achieved by some other means. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that this approval is for the life of the deck.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent
		Motion Carried	
		Application Approved	
		With Condition	

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 7. Applicant:** Gerard Welch
Location: 24 Hiatt Road
Mon. Co. Tax No.: 074.16-1-12
Zoning District: R1-E (Single- Family Residential)
Request: An area variance for a proposed addition to an existing detached garage (12.0 ft. x 20.0 ft.; 240.0 sq. ft.) to have a (east) side setback of 5.3 ft., instead of the 9.0 ft. minimum required. Sec. 211-11E (1), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 24 Hiatt Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Gerard Welch, 24 Hiatt Road, Mr. Welch appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed addition to an existing detached garage (12.0 ft. x 20.0 ft.; 240.0 sq. ft.) to have a (east) side setback of 5.3 ft., instead of the 9.0 ft. minimum required.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

WHEREAS, the applicant has stated that he has lived there for 19 years and all he is looking for is to add an additional 12 ft. to his existing detached garage's existing 12 feet. With that, he is going to remove the far north wall of the existing garage and add the additional 12 feet. He is going to try as close as possible to match the existing siding that he currently has on the garage, and he will definitely be able to match the shingled roof line with the existing garage since he just replaced the roof approximately one year ago. The reason for the addition is for storage. He does have a classic car; he is also going to keep some of his outdoor lawn and garden type of equipment. The current garage does have electricity, he will continue to have electricity in the addition; there is no water or heat. Through a discussion, there will be no exit doors to the addition and there will be no overhead garage door out to the rear of the addition. He will not be storing his 10-wheel tractor on the property, and he is willing to have a random inspection from Town Code enforcement regarding the storage of that vehicle.

WHEREAS, testimony from a resident at #33 Hiatt Road, who wrote to us this evening and said they were in approval of the project that Mr. Welch is looking for.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that the applicant is willing to have random inspections by code enforcement regarding the storage of the 10-wheel tractor.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Absent

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 8. Applicant:** Jeffrey R. Ayotte
Location: 2325 Edgemere Drive
Mon. Co. Tax No.: 026.20-1-3.2
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed deck (8.0 ft. x 20.0 ft.; 160.0 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only, and for said deck to have a (east) side setback of 3.6 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I & Sec. 211-11 E (3)

Ms. Betters offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2325 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Ms. Betters then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Jeffrey Ayotte, 2325 Edgemere Drive, Mr. Ayotte appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed deck (8.0 ft. x 20.0 ft.; 160.0 sq. ft.) to be located in a side yard,

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

where accessory structures, including decks, are permitted in rear yards only, and for said deck to have a (east) side setback of 3.6 ft., instead of the 6.0 ft. minimum required.

WHEREAS, the applicant testified that he has lived there for seven years and the purpose for the deck or porch would be because the existing steps are deteriorating and are shifting a bit. It is going to go over an existing walkway and it will not be covered or closed. No neighbors appeared to show their opposition to this project.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that granting the above-mentioned variance will not be out of character with existing homes in the neighborhood or be a detriment to nearby properties. The benefit sought by the applicant cannot be achieved by some other means, as evidenced by the applicant's testimony. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that the approval is for the life of the deck.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Absent

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 9. Applicant:** WNC Greece Company LLC (d.b.a. Hampton Inn)
Location: 500 Center Place Drive
Mon. Co. Tax No.: 074.16-4-40.2
Zoning District: BR (Restricted Business)
Request: An area variance for two freestanding directional signs (3.3 ft. x 5.1 ft.; 16.8 sq. ft. each), instead of the 5.0 sq. ft. maximum permitted per sign. Sec. 211-52 B (3)[1]

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 500 Center Place Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Absent

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of WNC Greece Company LLC (d.b.a. Hampton Inn), 500 Center Place Drive, Tamara Evans, general Manager for Hampton Inn in Greece, appeared before the Board this evening requesting an area variance for one freestanding directional sign (3.3 ft. x 5.1 ft.; 16.8 sq. ft. each), instead of the 5.0 sq. ft. maximum permitted per sign.

WHEREAS, the applicant testified the reason for the sign is because there is nothing to identify the Hampton Inn property. This sign will have an "Enter" and "Exit" on the sign, and also this sign will be located on the north side of the driveway. One of the reasons why they are looking for this is the new Homewood Suite property does block the view of the Hampton Inn. Also, the lighting on Center Place Drive is very dimly lit and this will help

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

people who want to stay at the hotel find the hotel. The sign that they are looking at is a standard corporate sign, which is located at Hampton Inns throughout the United States.

WHEREAS, on the main motion, after having summarized the findings of facts and having reviewed all the testimony and evidence as just summarized in the findings of fact regarding the property at 500 Center Place Drive, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA regulations, requiring no further action by this Board,

THEREFORE, I move to approve this application.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Approved**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 10. Applicant:** Route 390 Nissan (d.b.a. Ideal Nissan)
Location: 4012, 4026 & 4036 West Ridge Road
Mon. Co. Tax No.: 073.01-2-28, 073.01-2-29 & 073.01-2-30
Zoning District: BG (General Business)
Request: A special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4012, 4026 and 4036 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Absent

Motion Carried

Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Route 390 Nissan (d.b.a. Ideal Nissan), 4012, 4026 and 4036 West Ridge Road, Betsy Brugg, on behalf of the applicant, appeared before the Board this evening requesting a special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles.

WHEREAS, during testimony it was determined that this property is consisting of three parcels at approximately 2.066 acres located on the north side of West Ridge Road. The site is east of and adjacent to the Kohl's department store, with many automobile dealerships located in the immediate vicinity. The proposed Nissan dealership will be sales and related service for new and used Nissan vehicles, and the hours of operation are anticipated as 7:30 p.m. to 8:00 p.m., Mondays through Thursdays, 7:30 a.m. to 5:00 p.m.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

on Fridays and Saturdays. The operation will have a maximum of 20 employees, and they will have service, doing routine maintenance and repairs on vehicles, roughly 12 to 15 vehicles per day. Storage of parts and other materials is anticipated to be maintained inside the building or off the premises.

WHEREAS, with regard to the criteria for a special permit, access to the site and size of the site are adequate for the proposed use. The applicant testified that the New York State Department of Transportation has already reviewed the concept plan of this proposal and has responded favorably to it. There will be minimal impact on traffic and the development of this site has conformed to the Town's code; therefore, no additional setbacks or coverage or parking requirements are needed. The proposed use will not adversely affect the orderly pattern of development in the area; this is consistent with the orderly pattern of development in surrounding uses in this area. There are numerous car dealerships and large commercial facilities on this road. Regarding the nature, duration and intensity of the operation which are involved in or conducted in connection with the proposed use, will be in harmony with nearby uses and not alter the essential character of the neighborhood nor be detrimental to the residents thereof. As previously stated, this is consistent and similar to other car dealerships and businesses within this Route 104 corridor, and it fits in with the character of the neighborhood. The proposed use will not create a hazard to health, safety or the general welfare. The overall improvements proposed to the existing property will not create any adverse effects and it will also have a reduction in curb cuts on West Ridge Road. The proposed use will not be detrimental to the flow of traffic in the vicinity; again, as previously stated, New York State DOT has responded favorably to this proposal. This business is also going to be a low traffic generator, as now more people are shopping online for vehicles; therefore, the dealership will not have as many cars on-site and keep a lower inventory. The proposed use will not place an excessive burden on the public improvements, facilities, services or utilities, and the applicant testified that they are working with Town staff and Planning Board to address these issues.

WHEREAS, based on the aforementioned information, documentation, testimony and findings pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Route 390 Nissan for a special use permit to operate a sales and related service for new and used Nissan vehicles, trade-in and auction-purchased vehicles, to be known as Ideal Nissan, on the property located at 4012, 4026 and 4036 West Ridge Road in a BG district hereby be and the same is approved and granted, subject to the following conditions:

1. The applicant shall operate this automobile dealership in conformity with all details of the proposal as presented in the written descriptions in site development plans of the proposal as orally described at the hearing and as set forth here in. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal or the requirements or restrictions of this resolution, the Board of Zoning Appeals in its sole discretion and judgment and without hearing shall determine the resolution of such conflict.
2. The applicant shall comply with all requirements of the code of the Town of Greece, New York Chapter 211, the Town Zoning Ordinance and any variance granted there from. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy of this automobile dealership shall be the limit established by the Town's Fire Marshal pursuant to the Building Codes of New York State.
4. The applicant shall comply with all requirements of the Town staff relative to local laws, ordinances, codes, rules and regulations and the building codes of New York

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

State. Failure to comply with these requirements may be grounds for revocation of this Special Use Permit.

5. Wherever this resolution refers to a specific public official or agency it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule or regulation it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or transfer of controlling interest in this automobile dealership to any person or entity other than Route 390 Nissan, its wholly owned subsidiaries or its franchisees, a new application for a special use permit must be re-submitted to the Board of Zoning Appeals.
8. This approval is subject Planning Board approval.
9. And that the applicant combines all the parcels advertised tonight into one tax account number on or before February 28, 2011.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Special Use Permit Granted
With Conditions**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

- 11. Applicant:** Route 390 Nissan (d.b.a. Ideal Nissan)
Location: 4012, 4026 & 4036 West Ridge Road
Mon. Co. Tax No.: 073.01-2-28, 073.01-2-29 & 073.01-2-30
Zoning District: BG (General Business)
Request:
- a) An area variance for a proposed freestanding sign to have a total area of 243.8 sq. ft., instead of the 40.0 sq. ft. maximum permitted. Sec. 211-52 B (1)(d), Table VI
 - b) An area variance for a proposed freestanding sign to have a height of 25.0 ft., instead of the 20.0 ft. maximum permitted. Sec. 211-52 B (1)(c)
 - c) An area variance for a second proposed (south side) building-mounted sign, with a sign area of 26.0 sq. ft., instead of the one 125.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII
 - d) An area variance for a third proposed (south side) building-mounted sign, with a sign area of 17.0 sq. ft., instead of the one 125.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII
 - e) An area variance for a fourth proposed (south side) building-mounted sign, with a sign area of 33.6 sq. ft., instead of the one 125.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4012, 4026 and 4036 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Absent

Motion Carried

Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Route 390 Nissan (d.b.a. Ideal Nissan), Betsy Brugg, on behalf of the applicant, appeared before the Board this evening requesting several area variances, as mentioned above.

WHEREAS, with regard to the freestanding sign, first, the owner wishes to relocate an existing freestanding sign at another location to this new Nissan site. The area of the structure is 243.8 sq. ft. and 25 ft. tall. The freestanding signage is 75 sq. ft., but once we box it in, it brings it up to 243 sq. ft., so I don't think that this is out of character with other freestanding signs within this area. The building-mounted signs are a Nissan logo sign, a Nissan lettering sign, an Ideal sign – which identifies the dealer – and a service sign identifying the service area. Those four building-mounted signs actually total 137.57 sq. ft. approximately, when they are allowed 125 sq. ft., so even though there are four building-mounted signs, the square footage is not far off from what they are allowed and I don't think that is excessive, in my opinion, either.

WHEREAS, would an undesirable change be produced in the character of the neighborhood or detriment to nearby properties? I think this is consistent with signage in the area and consistent with signage on other car dealerships. Can the benefit sought by the applicant be achieved by some other method feasible for the applicant to pursue? The owner is adhering to the requirements for Nissan and the operation of their business and it is also a substantial benefit to the applicant to be able to re-use that existing freestanding sign that they own. Is the area variance substantial? As I previously stated, I don't think that either of the signs, whether it be the building-mounted signs or the freestanding signs, is substantial in nature with respect to car dealerships. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No, again, this is in keeping with the neighborhood. And while the alleged difficulty is not self-created, the applicant is adhering to Nissan branding with signage and, again, they wish to re-use an existing freestanding sign that they have.

Having reviewed all the testimony and evidence as just summarized in the findings of fact and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety and welfare of the neighborhood or community, and that the benefit to the applicant is substantial,

THEREFORE, I move to approve this application for the signage as submitted.

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Absent**

**Motion Carried
Application Approved**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

- 1. Applicant:** Richard Kartes
Location: 53 Apple Creek Lane
Mon. Co. Tax No.: 045.04-1-43.2
Zoning District: R1-18 (Single-Family Residential)
Request: The following area variance is required in order to resubdivide 53 Apple Creek Lane:
Lot R-2
An area variance for an existing detached garage (19.1 ft. x 23.9 ft.; 452.7 sq. ft.), resulting in a total gross floor area of 1494.0 sq. ft. for all existing and proposed accessory structures and attached garage, where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area. Sec. 211-11 E (1), Table I

The applicant, Richard Kartes, has requested a modification to the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is that this is kind of an interior flag lot and Mr. Kartes owns quite a large piece, plus the adjoining parcel, and there would be many properties that would be included in the notification but are not near the subject of the variance.

On a motion by Mr. Jensen and seconded by Ms. Betters, it was resolved to amend the Neighborhood Notification for the application by Richard Kartes, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels adjacent and those directly affected.

Vote:	Ms. Betters	Yes	Ms. Christodaro	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Mr. Murphy	Yes	Mr. Riley	Absent
			Motion Carried	
			Request Granted	

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

- 2. Applicant:** Auction Direct USA
Location: 4350 West Ridge Road
Mon. Co. Tax No.: 073.01-1-7
Zoning District: BG (General Business)
Request: A special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

The applicant for the request by Auction Direct USA has requested a modification to the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is the large size of the subject parcel and the many properties that would be included in the notification but are not near the subject of the variances.

On a motion by Mr. Jensen and seconded by Mr Murphy, it was resolved to amend the Neighborhood Notification for the application by Auction Direct USA, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels fronting along West Ridge Road and the adjoining parcels. These are the parcels that potentially would be affected most by the proposed project.

Vote:	Ms. Betters	Yes	Ms. Christodaro	Yes
	Mr. Jensen	Yes	Mr. Meilutis	Yes
	Mr. Murphy	Yes	Mr. Riley	Absent

**Motion Carried
Request Granted**

BOARD OF ZONING APPEALS MINUTES
JULY 6, 2010

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes July 6 10.doc